Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

REPRESENTATION OF THE PEOPLE, SCOTLAND

The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers(**1**) conferred by the provisions set out in Schedule 1 to this instrument makes the following Regulations:

The Secretary of State has consulted the Electoral Commission and the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of the Representation of the People Act 1983(**2**) and section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**3**).

In accordance with section 201(2) of the Representation of the People Act 1983, a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013.

(2) The following provisions come into force on the day after the day on which these Regulations are made—

(a) regulation 1;

(b) regulation 2 in so far as it relates to entry 4 in the table at Schedule 2;

(c) regulation 21;

(d) regulation 30; and

(**1**) Under article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) these powers are exercisable concurrently by the Secretary of State and the Lord President of the Council.

(**2**) 1983 c.2; section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 c.6.

(**3**) 2000 c.41.

(e) Schedule 1.

(3) The following provisions come into force on the day on which section 14 of the Electoral Registration and Administration Act 2013 comes into force—

(a) regulation 2 in so far as it relates to entries 2, 3, 5 and 6 in the table at Schedule 2;

(b) regulations 23 to 29;

(c) regulations 31 to 38;

(d) regulation 46; and

(e) regulations 48 to 52 and Schedule 4.

(4) Regulations 43 to 45 come into force on the day on which section 16 of the Electoral Registration and Administration Act 2013 comes into force.

(5) The following provisions come into force on 10th June 2014—

(a) regulation 2 in so far as it relates to entry 1 in the table at Schedule 2;

(b) regulations 3 to 20;

(c) regulation 22; and

(d) regulations 39 to 42, 47 and Schedule 3.

(6) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Representation of the People (Scotland) Regulations 2001(**4**).

(7) These Regulations extend to Scotland only.

Revocations

2. The instruments listed in column 1 of Schedule 2 to these Regulations (which have the references in column 2) are revoked to the extent indicated in column 3 of that Schedule.

Amendments in relation to interpretation

3. Regulation 3 is amended as follows—

(a) after the definition of "data form" insert—

> ""digital service" means the Individual Electoral Registration Digital Service, which is the digital service provided by the Lord President of the Council for the purpose of processing online applications under sections 10ZC and 10ZD of the 1983 Act(**5**) and for the purpose of verifying information under regulation 29ZA;";

(b) after paragraph (3) insert—

> "(3A) For the purposes of regulations 26, 26A, 26B, 26C, 29, 32ZA, 32ZB, 32ZC, 32ZD, 32ZE, 32ZF, 32ZG and 32ZH a document may be given to a person—
>
> (a) by delivering it to the person;
>
> (b) by leaving it at the person's address; or
>
> (c) by sending it to the person by post.".

(**4**) S.I. 2001/497: relevant amending enactments are the Counter-Terrorism Act 2008 (c.28) (Schedules 1 and 9), S.I. 2001/1749, 2002/1872, 2003/1892, 2004/1960, 2005/2114, 2006/1836, 2006/834, 2007/925, 2008/305, 2009/725 and 2010/980.

(**5**) 1983 c.2; section 10ZC was inserted by section 1 of the Electoral Registration and Administration Act 2013 c.6, and section 10ZD was inserted by paragraph 1 of Schedule 1 to that Act.

Amendment in relation to supply of forms

4. In regulation 4(1)(a), for "section 10A(1)(a) and (3) of the 1983 Act", substitute "applications made under sections 10ZC(1)(a) and 10ZD(1)(a) of the 1983 Act".

Amendment in relation to communication of applications, notices etc.

5.—(1) Regulation 5 is renumbered as paragraph (1) of that regulation.

(2) In that paragraph for "application, notice, representation or objection" substitute "application, notice or representation".

(3) After that paragraph insert—

"(2) Paragraph (1) does not apply to notice of a requirement to register given under regulation 32ZE(1) or notice of a civil penalty given under regulation 32ZF(2).".

Amendment in relation to electronic signatures and related certificates

6. In regulation 6(1) for "application, notice, representation or objection" substitute "application, notice or representation".

Amendment in relation to power to require information

7. In regulation 23, after paragraph (1) insert—

"(1A) A registration officer may not use the power conferred by paragraph (1) to require a person who has made an application under section 10ZC or 10ZD of the 1983 Act to provide information to assist the registration officer in determining, in connection with that application, whether the applicant is the person named in the application or is entitled to be registered.".

Amendment in relation to evidence as to age

8. In regulation 24(2)(a), omit "or a statutory declaration as to the person's date of birth".

Amendment in relation to reminders to persons who have an anonymous entry

9. In regulation 25A(2)(b), for "section 10A(1)(a) of the 1983 Act", substitute "section 10ZC(1)(b) of the 1983 Act".

Amendments in relation to applications for registration

10. For regulation 26, substitute—

"**Applications for registration**

26.—(1) An application for registration as a parliamentary or local government elector (or both) under section 10ZC or an application for alteration in respect of address under section 10ZD of the 1983 Act ("an application") must be in writing and must state—

(a) the applicant's full name and any previous name by which the applicant has been known within 12 months before the date of the application;

(b) except in the case of an application being made in pursuance of a service declaration or an overseas elector's declaration, the address in respect of which the applicant applies to be registered and at which they are resident on the date of the application;

(c) any address at which the applicant has ceased to reside within 12 months before the date of the application and, where that address is not in the United Kingdom, an indication of whether the person was registered in pursuance of an overseas elector's declaration during this period;

(d) an indication of whether the applicant is resident at any other address, including at any address in respect of which the applicant is currently registered as an elector and in respect of which the applicant claims to be entitled to remain registered;

(e) subject to regulation 26A, the applicant's date of birth;

(f) subject to regulation 26A, the applicant's national insurance number;

(g) subject to regulation 26A, the applicant's nationality or nationalities, except in the case of a person applying to be registered in pursuance of an overseas elector's declaration;

(h) an indication of whether the applicant requests that their name and address are omitted from the edited version of the register;

(i) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact;

(j) where an application is also to be treated as an application under section 10ZD to alter the name in respect of which the applicant is registered, that fact;

(k) a declaration by the applicant that the information provided in the application is true; and

(l) the date of the application.

(2) In the case of a person applying to be registered as a parliamentary or local government elector (or both) in pursuance of a service declaration, a declaration of local connection or an overseas elector's declaration, an application under paragraph (1) must include the appropriate declaration.

(3) The Electoral Commission must design a paper application form which requires the information and declarations in paragraphs (1) and (2) and includes—

(a) a statement that the information provided in the application will be processed in accordance with the Data Protection Act 1998(**6**) and as to what information will appear on the electoral register;

(b) a statement that persons without lawful immigration status are ineligible to register to vote, and that registration officers may request checks in relation to an applicant's immigration status against Home Office records;

(c) a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence;

(d) space for a bar code, local authority reference number and security code unique to each form;

(e) space for the email address and telephone number or numbers of the applicant and an explanation that provision of this information is not mandatory;

(f) space for the registration officer to include local authority information and details of how the registration officer may be contacted;

(g) an indication of whether the applicant wishes to be able to cast an absent vote;

(h) an indication of whether the applicant requests that their name and address are omitted from the edited version of the register and an explanation of what the edited register is, using the short version of the form of words prescribed by

(**6**) 1998 c. 29.

regulation 47 of and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and

(i) the web site address of the digital service.

(4) The paper application form for persons applying to be registered in pursuance of a service declaration must—

(a) instead of the information required in paragraph (1)(b), request the applicant's correspondence address or British Forces Post Office Number;

(b) in the case of an application in pursuance of a service declaration on the grounds that the applicant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of a member of the forces (within the meaning of section 59(1) of the 1983 Act), also include a statement that the applicant must renew their application for registration every 5 years but may cancel it at any time.

(5) The paper application form for persons applying to be registered in pursuance of an overseas elector's declaration must, instead of the information required in paragraph (1)(b), request—

(a) the last address at which the applicant was registered as an elector; and

(b) the address at which the applicant can be contacted.

(6) The Electoral Commission must obtain the approval of the Lord President of the Council to the design of the application forms under paragraphs (3), (4) and (5) and must then make the forms available to registration officers.

(7) Where a registration officer gives a paper application form to a person resident in Scotland, it must be accompanied by a pre-addressed reply envelope, return postage of which must be prepaid.

(8) A registration officer may authorise the applicant to provide the information required by paragraph (1) to the registration officer by telephone or in person and, where the officer does so, the registration officer must—

(a) provide the applicant with an explanation of what the edited register is, using the short version of the forms of words prescribed by regulation 47 and Schedule 3 to the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013; and

(b) transfer the information provided by the applicant into an application in writing.

(9) An application under paragraph (1) may be made through the digital service and, where it is, the Lord President of the Council must request the applicant's email address and telephone number or numbers and provide an explanation of the purpose for which this information will be used.

(10) A registration officer may, but need not, accept an application in pursuance of an overseas elector's declaration through the digital service.

(11) The Lord President of the Council must send to the registration officer any application he receives together with—

(a) the applicant's email address and telephone numbers (if provided); and

(b) a reference number unique to that application.".

11. After regulation 26 insert—